

FINDINGS AND CONDITIONS OF APPROVAL FOR COUNTY FILE #CDLP21-02004; HOWARD HIIBEL (APPLICANT & OWNER)

FINDINGS

A. General Plan Growth Management Elements Standards

1. Traffic: Policy 4-c of the Growth Management Element of the County's General Plan requires a traffic impact analysis for any project that is estimated to generate 100 or more AM or PM peak-hour trips based upon the trip generation rates as presented in the Institute of Traffic Engineers (ITE). The project does not include any new development and based on project documents, the present stable capacity is for 18 horses. Based on the peak trip generation rates for horse stables of one trip per five horse stables during the AM peak-hour and 0.38 trip per five horses during the PM peak-hour in the Traffic Operations Analysis for Fox Haven Ranch (TJKM, 2021) that was conducted for a horse boarding and riding facility and winery and tasting room in the Byron area of unincorporated Contra Costa County, the project would generate a maximum rate of 3.6 AM peak-hour trips and 1.36 PM peak-hour trips. This would total approximately 5 maximum peak-hour trips (3.6 AM + 1.36 PM peak-hour trips) to and from the project site which is much less than the 100 peak-hour threshold for requiring a traffic impact analysis. Therefore, the project has a less than significant potential to conflict with a program, ordinance, or policy addressing the circulation system.
2. Water: The GMP requires new development to demonstrate that adequate water quantity and quality can be provided. The project site is in an agricultural area that is not served by any municipal water or wastewater system, and instead relies on well water and a septic system. A horse boarding facility will not exacerbate existing water resources. Moreover, the project will be required to contact Contra Costa Environmental Health to determine if any approvals are needed prior to the initiation of the use. Therefore, the project will not negatively affect existing groundwater supplies.
3. Sanitary Sewer: The GMP requires that new development demonstrate that adequate sanitary sewer quantity and quality can be provided. As previously mentioned, the project site is in an agricultural area that is not served by municipal water or wastewater system, and instead relies on well water and a septic system. The project which is for an eighteen (18) capacity horse boarding facility will not require a new sewer system to be built. As stated in the project description, the project will compost all horse manure so that it can be reused. Therefore, adequate sewer facilities are already provided.
4. Fire Protection: The fire protection standards under the GMP require that a fire station be within one and one-half miles of development in urban, suburban and central business district areas, or requires that automatic fire sprinkler systems be installed to satisfy this standard. Fire protection and emergency medical response services for the project vicinity are provided by the Contra Costa County Fire Protection District (CCCFPD). The existing agricultural arena/stable structure is already permitted and the applicant is not proposing

any development or buildings. The project will not increase the number of individuals living on the site as there are no housing units proposed which would require additional fire protection resources. Therefore, the project will not adversely affect the provisions of the fire protection services in the area.

5. Public Protection: Police protection services in the project vicinity are provided by the Contra Costa County Sheriff's Department. Pursuant to the Growth Management Element of the County General Plan, a Sheriff facility standard of 155 square feet of station area and support facilities per 1,000 members of the population shall be maintained within the unincorporated area of the County. The project would not significantly affect the provision of police services to the unincorporated Brentwood area because the project would not increase the housing stock (population) in the County.
6. Parks and Recreation: Pursuant to the Growth Management Element of the County General Plan, the standard is to have a minimum of 3 acres of neighborhood parks for every 1,000 members of the population. The project would not warrant the need for new parks and/or recreational facilities because the project would not increase the housing stock (population) in the County.
7. Flood Control and Drainage: The applicant is not proposing to construct any new structures and will not significantly alter the existing drainage pattern on-site. Therefore, the applicant has requested an exception to Division 914 of the County Ordinance Code (as further detailed in the Exception Findings Section below). The Public Works Department has no objection to the granting of an exception from this requirement provided there are no existing drainage problems in the area, no concentrated runoff is being directed to adjacent parcels, and the existing drainage pattern is maintained.

The property does not lie within the Special Flood Hazard Area (100-year flood boundary) as designated on the Federal Emergency Management Agency Flood Insurance Rate Map.

B. Land Use Permit Findings

1. Required Finding: *The project shall not be detrimental to the health, safety, and general welfare of the County.*

Project Finding: The project will not change the physical characteristics of the site and the proposed use will be consistent with the surrounding agricultural uses in this area. This area of the County contains numerous horse boarding and riding facilities. The project is a use that is fairly common in the Brentwood area. The subject application was routed to applicable agencies (for comments) to ensure the project will not be detrimental to the health, safety, and general welfare of the County because the applicant is required to obtain all necessary approvals and comply with all the requirements from various agencies. Additionally, an Initial Study Environmental Document was prepared for the project which

concluded that the project would have a less than significant impact on the surrounding environment. Moreover, conditions of approval have been added to address the byproduct of horses including requiring a manure management plan and fly and pest plan. Therefore, the project shall not be detrimental to the health, safety and general welfare of the County.

2. *Required Finding: The project shall not adversely affect the orderly development of property within the County.*

Project Finding: The project consists of permitting a new horse boarding facility within an existing agricultural arena/stable. No new development is proposed with this project beyond establishing unpaved parking spaces. The project will not induce substantial population change or require utility extensions that would adversely affect the orderly development of property. Moreover, the project is consistent with surrounding uses and does not introduce an incompatible use to this area of the County.

3. *Required Finding: The project shall not adversely affect the preservation of property values and the protection of the tax base within the County.*

Project Finding: The project site and vicinity are located within the A-2, General Agricultural District, which allows all types of agriculture uses. Dude ranches, riding academies and stables may be allowed upon issuance of a land use permit. Therefore, the commercial horse boarding facility is a use that is consistent with the A-2 zoning district. Additionally, numerous surrounding properties in the immediate vicinity contain similar uses to the project. This area of the County has historically been used for agricultural uses including horse boarding facilities and adding another business in this area will increase the property values and tax base within the County. The addition of another agricultural business will provide the community with a place to board their horses should they ever need that service. Furthermore, the land use permit includes conditions of approval that will help protect property values in the local area and within the County.

4. *Required Finding: The project shall not adversely affect the policy and goals as set by the General Plan.*

Project Finding: The subject property has an Agricultural Lands General Plan land use designation. The purpose of the Agricultural Lands designation is to preserve and protect lands capable of and generally used for the production of food, fiber, and plant materials. Uses that are allowed in the Agricultural Lands designation include all land dependent and non-land dependent agricultural production and related activities. In addition, guest or dude ranches, horse training and boarding ranches may be allowed by issuance of a land use permit. Thus, the horse boarding facility is consistent with the AL General Plan land

use designation. Agricultural land is subject to Agricultural resource policies listed in the Conservation Element. The project is consistent with those agricultural resource policies applicable to the project because the project encourages an agricultural use on lands designated as agricultural, does not propose an urban land use and would retain the agricultural nature of the area.

Additionally, pursuant to Figure 11-6 in the Noise Element of the County's General Plan, the normally acceptable standard for outdoor noise levels in agricultural areas is a DNL of 75 dB. In agricultural areas, noise from farm equipment (e.g: tractors, plows, etc.) and farm animals is expected. Therefore, the daily operation of the horse boarding facility is not expected to generate ambient noise levels inconsistent with the surrounding agricultural area.

Therefore, based on the information provided above, the commercial horse boarding facility and riding academy is consistent with the County's General Plan, and would not adversely affect the policy and goals as set by the General Plan.

5. *Required Finding: The project shall not create a nuisance and/or enforcement problem within the neighborhood or community.*

Project Finding: The project is for a horse boarding facility. This type of use is consistent with the General Plan Designation of Agricultural Lands as dude ranches, horse training and boarding ranches are ancillary uses to agricultural. Moreover, the project is consistent with the zoning of A-2 in that dude ranches, riding academies and stables may be allowed upon issuance of a land use permit. As such, the applicant applied for a land use permit for the use. The project will be required to comply with all regulations and requirements required by various agencies (i.e. fire department, public works department, environmental health department, etc.). The applicants are required to comply with all conditions of approval listed within this Land Use Permit and to maintain compliance with the conditions of approval that are in place to reduce nuisance issues (noise, smells, lights, etc.). Therefore, the project shall not create a nuisance and/or enforcement problem within the neighborhood or community.

6. *Required Finding: The project shall not encourage marginal development within the neighborhood.*

Project Finding: Dude ranches, riding academies and stables may be allowed upon issuance of a land use permit in the A-2, General Agricultural District. Therefore, with the approval of this land use permit, the project is consistent with the zoning district. The project would not encourage marginal development within the neighborhood because the

commercial horse boarding facility is consistent with the zoning, general plan designation and surrounding property uses.

7. *Required Finding: Special conditions or unique characteristics of the subject property and its location or surroundings are established.*

Project Finding: All of the parcels surrounding the project site are zoned for agricultural uses (A-2 and A-3 Zoning) and all parcels within a half-mile of the project parcel have a General Plan Designation of Agricultural Lands. Surrounding uses include single-family homes, agricultural buildings, and agricultural uses such as crop farming, nurseries, and equestrian facilities. The subject property is presently developed for horse uses including horse corral fence areas, an arena and stable, feed shed and a horse manure disposal area. The site is also unpaved and is rural in nature. Within a 3,000-foot radius, there are at least four horse boarding facilities and horse-riding facilities. Moreover, the housing of agricultural animals (chickens, dogs, horses) is a common practice in this area of Brentwood. The surrounding characteristics of this area of the County are rural, large agricultural use parcels. The project is consistent in that it is a large parcel that proposes an agricultural-type use, therefore, matching the existing characteristics of this area of the County. Since no development is proposed (beyond the establishment of unpaved parking the visual character of the property will remain agricultural in appearance and will therefore remain compatible with the surrounding agricultural area.

C. Variance Findings

The applicant is requesting variances from the Off-Street Parking Ordinance requirements for: Access requirements; parking lot surfacing; striping, markings, and signage; and landscaping.

1. *Required Finding: That any variance authorized shall not constitute a grant of special privilege inconsistent with the limitations on other properties in the vicinity and the respective land use district in which the subject property is located.*

Project Finding: Pursuant to County Code Section 82-16.404(a)(5), surfacing, requires all parking areas to have a continuous asphalt or similar paving surface. The existing parking area is a mixture of packed sand and gravel/dirt. Non asphalt surface parking areas are common in the agricultural land use districts of the County and the use of packed sand and gravel/dirt rather than impervious surfacing materials such as asphalt maintains the existing on-site drainage patterns and eliminates the need for installing drainage improvements to accommodate on-site runoff. Contra Costa County Public Works reviewed the project and has determined that no road improvements are required. Moreover, surrounding horse boarding and riding facilities all maintain parking

areas that are dirt, gravel or other non-asphalt surfacing. The project would utilize pumpkin patch style parking which is typically on dirt/sand surfacing and in agricultural uses.

Pursuant to County Code Section 82-16.404(a)(7), the code requires each parking space to be marked with striping and requires signage and directional markings to ensure sufficient traffic circulation and safety. However, since the on-site parking areas are packed sand and gravel/dirt, it would be difficult to maintain permanent striping, signage, and directional markings on the parking lot surface. The applicant has demonstrated on the site plan that all parking spaces will accommodate the 8'-6 x 18' required dimensions. Given the size of the operation (horse boarding facility for up to 18 horses), daily use of the parking areas for horse boarding and riding academy operations is not anticipated to create traffic circulation and safety issues. (Additionally, a condition of approval has been added, requiring that customers make appointments prior to arriving on site.)

Pursuant to County Code Section 82-16.404(c), off-street parking areas are required to be landscaped. The applicant is not proposing to install additional landscaping at this time as the site. Landscape buffering is usually required in urban areas where pedestrian and car traffic is high on major roads. The site is located in a rural area on agricultural land where pedestrian and car traffic is not common. Additionally, since the parking area will not be paved, it will more closely resemble an agricultural style parking "pumpkin patch parking lot" than a commercial parking lot. Screening would not be required as the proposed parking lot would blend in with the rural character of the land and will maintain an agricultural look and feel due to the presence of horse trailers parked on-site.

Based on the reasons provided above, and the fact that the proposed parking spaces will otherwise comply with the County's Off-Street Parking Ordinance code, the applicant is not requesting a grant of special privilege. The surrounding area which is dominated by agricultural uses including other horse boarding facilities have all been granted Variances similar to the requests here. Variances are required to maintain the rural, agricultural nature of these parcels. Therefore, the requested variances shall not constitute a grant of special privilege.

2. *Required Finding: That because of special circumstances applicable to the subject property because of its size, shape, topography, location or surroundings, the strict application of the respective zoning regulations is found to deprive the subject property of rights enjoyed by other properties in the vicinity and within the identical land use district.*

Project Finding: The project parcel is located in an area of the County that is agricultural in nature with large parcels with rural development. The subject parcel contains similar characteristics in that it is a rural parcel that is not paved and is designated for

agricultural purposes. Requiring this parcel to construct improvements required of urban uses would create an incompatibility with the surrounding neighborhood. Strict application of the respective zoning regulations (e.g.: Off-Street Parking Ordinance) would deprive the subject property of rights enjoyed by other properties in the vicinity and within the identical land use district. As previously mentioned, gravel parking areas are common in agricultural land use districts. However, due to the gravel parking lot surface, it would be difficult to maintain striping, signage, and directional markings. In addition, nighttime lighting is uncommon, and the applicants are not proposing to install additional landscaping at this time as any hardscape landscaping will detract from the rural atmosphere of the site. Since the parking areas will not be paved, they will more closely resemble an agricultural style parking “pumpkin patch parking lot” than a commercial parking lot, which will match the rural setting of the project site (versus a paved commercial parking lot). Moreover, numerous parcels in this area which contain horse boarding/riding facilities have also been granted Variances from requirements of the Off-Street Parking Ordinance. Variances are necessary to maintain the rural nature of the area while still allowing parcels to develop within the zoning district.

3. *Required Finding: That because of special circumstances applicable to the subject property because of its size, shape, topography, location or surroundings, the strict application of the respective zoning regulations is found to deprive the subject property of rights enjoyed by other properties in the vicinity and within the identical land use district.*

Project Finding: The project site and vicinity are located within the A-2, General Agricultural District which allows all types of agriculture. Dude ranches, riding academies and stables may be allowed upon issuance of a land use permit. Therefore, the proposed commercial horse boarding facility is consistent with the A-2 zoning district. The subject property is located in an area that is rural and dominated with agricultural uses including other horse boarding and riding facilities. Variances have been granted to numerous surrounding parcels for relief from the County’s Off-Street Parking Ordinance including: Surfacing; Striping, Markings, Signage; and landscaping. These request for variances are consistent with the respective land use district of A-2, (General Agricultural District), since gravel parking areas with no signage and landscaping are common in agricultural land use districts and will help maintain the rural setting of the project site.

D. Exception Findings:

Division 914 of the County Ordinance Code requires that all storm water entering and/or originating on this property to be collected and conveyed, without diversion and within an adequate storm drainage system, to an adequate natural watercourse having a definable bed and banks or to an existing adequate public storm drainage system which conveys the storm water to an adequate natural watercourse.

The applicant has provided an exception request in accordance with Chapter 92-6 from the collect and convey requirements specified in Chapter 914-2 of the County Subdivision Ordinance. The request for exceptions is based on the finding outline below:

1. *Required Finding: That there are unusual circumstances or conditions affecting the property.*

Project Finding: The application proposes no new development. The lot is relatively flat with no known flood issues to date. There is no existing storm drainage infrastructure within the surrounding area. The area generally consists of large, rural agricultural properties with no existing drainage infrastructure.

2. *Required Finding: That the exception is necessary for the preservation and enjoyment of substantial property right of the applicant.*

Project Finding: Given that no development is proposed, the requirements of 914 unfairly over-burden the applicant's property. Such exceptions have also been approved on other similar properties in the past. In order to maintain agricultural use of the property, the applicant intends to maintain existing drainage flow patterns.

3. *Required Finding: That the granting of the exception will not be materially detrimental to the public welfare or injurious to other property in the territory in which the property is situated.*

Project Finding: No development is proposed and no increase in impervious surface would occur as a result of the application. The existing drainage pattern would remain the same. This site, as well as neighboring properties, have not had any issues with runoff in the past. The property is very well maintained, and being that the property is on native sand, it helps with effective natural draining. Therefore, the granting of the exception would have no detrimental or injurious impact on the public welfare to the other properties in the territory in which the property is situated.

The Contra Costa County Public Works Department has no objection to the granting of an exception from this requirement provided that there are no existing drainage problems in the area, no concentrated runoff is being directed to adjacent parcels, and the existing drainage pattern is maintained.

E. California Environmental Quality Act (CEQA) Findings:

Following are the findings required pursuant to the California Environmental Quality Act (CEQA) to adopt a Negative Declaration/Initial Study (ND) for the project, prior to the approval of a project.

1. A Negative Declaration/Initial Study (ND), State Clearinghouse Number SCH 2024100395, was prepared for Land Use Permit CDLP21-02004 on October 9, 2024. The public review period for the draft ND started on September 24, 2024, and ended on October 29, 2024. No comments were received during the review period for the ND.
2. No comments were received, therefore, there is no affect on the findings in the ND.
3. On the basis of the whole record before it, including the draft ND, the Zoning Administrator finds that:
 - There is no substantial evidence that the project will have a significant effect on the environment;
 - ND SCH No. 2024100395, reflects the County's independent judgement and analysis;
 - The ND is adequate and complete; and
 - The ND has been prepared in compliance with the California Environmental Quality Act and the State and County CEQA guidelines.
4. The ND did not identify any potentially significant impacts. Therefore, a mitigation monitoring and reporting program has not been prepared.

**CONDITIONS OF APPROVAL FOR COUNTY FILE #CDLP21-02004, HOWARD HIIBEL
(APPLICANT & OWNER):**

Project Approval

1. This LAND USE PERMIT application is **APPROVED** for the operation of a horse boarding facility for up to 18 horses. All buildings and structures are existing. No development, beyond establishing unpaved parking spaces (a total of 15 on-site parking spaces) is approved at this time.
2. Variance **APPROVAL** is granted to reduce and eliminate the Off-Street Parking Ordinance requirements for: parking lot surfacing; striping, markings, and signage; and landscaping.
3. Exception **APPROVAL** is granted from the collect and convey requirements specified in Chapter 914-2 of the County's Subdivision Ordinance.
4. Project approval is granted as generally shown on, the following documents received by the Community Development Division (CDD):
 - Application and materials submitted to the Department of Conservation and Development, Community Development Division (CDD) on February 10, 2021.
 - Conservation plan submitted on July 15, 2021.
 - Exception from the Collect and Convey Requirements request submitted on September 9, 2021.
 - Revised project plans submitted on September 9, 2021.
5. Any deviation from the approved plans or expansion beyond the limits of this Permit shall require the review and approval of the CDD and may require the filing and approval of an application for a new Permit.

Compliance Report

6. The applicant shall provide a condition of approval compliance report to the Department of Conservation and Development, Community Development Division (CDD) for review and approval. The report shall identify all conditions of approval that are administered by the CDD. The report shall document the measures taken by the applicant to satisfy all relevant conditions. Copies of the permit conditions may be obtained from the CDD. The permit compliance review is subject to staff time and materials charges, with an initial deposit of \$2,000 or the deposit amount at the time of submittal, which shall be paid at the time of submittal of the compliance report.

Horse Boarding Facility

4. Approved Hours of Operation: Sunday through Saturday from 8:00 AM to 10:00 PM
5. The maximum number of horses allowed to be boarded on the subject property shall be up to 18. Any modification to increase the number of horses boarded on the subject property under this land use permit shall require a land use permit modification to be submitted to CDD for review and approval.
6. This facility is not open to the public. Advanced appointments are required prior to any customers boarding their horses on the property.

Signage

7. No signs are allowed under this Land Use Permit. All signs proposed shall be subject to the Contra Costa County Sign Ordinance Chapter 88-6 – Signs. All signs shall be submitted for review and approval by CDD.

Noise

8. No loudspeakers or amplified music shall be permitted for the proposed horse boarding facility without first obtaining approval from CDD.

Lighting

9. All lights used for the horse boarding facility shall be downward casting and motion sensor activated only. Exterior lights shall be deflected so that lights shine onto the subject parcel only and not toward adjacent properties. The lights shall be turned off during the daytime hours.
10. **Prior to CDD stamp-approval of plans for issuance of building permits (e.g., demolition, grading, or building),** the applicant shall provide the specifications and locations of all proposed lighting to CDD for review and approval.

Special Events

11. No special events or temporary events are allowed under this permit.

Parking

12. All parking related to the commercial use of the project site (horse boarding facility) shall remain onsite in the approved parking area. Street parking is prohibited.
13. The approved parking area shall remain for use by the horse boarding customers only during the hours of operation identified in this permit.

Property Use Verification

- 14. Prior to CDD stamp-approval of plans for issuance of building permits (e.g., demolition, grading, or building),** the property owner shall apply for and obtain a Property Use Verification (PUV) from the Department of Conservation and Development, Application and Permit Center prior to applying for any business license associated with this approval. A copy of this permit shall accompany the PUV application.

Manure Management

15. The horse stalls shall be cleaned as per the conservation plan submitted on July 15, 2021. Manure waste shall be collected a minimum of twice daily. The manure shall only be spread for composting on the designated location on the approved plans.
16. When spreading manure into the topsoil for compost, shallow disking or harrowing shall be used.
17. Manure shall be stored away from any existing creeks and wells. The manure compost plow area must be a minimum of 100 feet from the property line boundary to the west.
18. In the event that manure can not be spread on the designated location, the applicant shall utilize manure storage area(s). The manure shall be located in a water-tight containers such as bins, sheds, concrete pads with low walls, windrows, dumpsters or covered garbage cans to reduce the potential for seepage of leachate. The surface must be designed so it can be scraped with a shovel for small facilities, or a front-end loader for larger facilities. Any non composting manure storage area shall be located more than 100 feet from any property boundary.
19. A cover, such as tarp, should be used to protect stockpiled manure from winter rains. Manure storage area(s) should be covered so there is no liquid draining from the stack a tarp or roof must drain away from the manure stack. The tarp shall be tied or weighted down on the edges and corners.

Dust Control

20. A good faith effort shall be made by the property owner(s) to control dust emanating from the project site. Any areas that are prone to dust shall be watered a minimum of three (3) times throughout the day.

Fly and Mosquito Management

21. A good faith effort shall be made by the property owner(s) to manage flies and mosquitoes emanating from the project site.

Under the California Health and Safety Code, property owners retain the responsibility to ensure that the structure(s), device(s), other project elements, and all additional facets of their property do not breed or harbor vectors, or otherwise create a nuisance. Owners are required to take measures to abate any nuisance caused by activities undertaken and/or the structure(s), device(s), or other feature(s) on their property. Failure by the property owner to properly address a nuisance may lead to abatement by the Contra Costa Mosquito & Vector Control District and civil penalties of up to \$1,000 per day pursuant to California Health & Safety Code §2060-2067.

22. No aspect of the project or property should produce, harbor, or maintain disease vectors or other nuisances. Water troughs need to be emptied weekly to prevent mosquito production (or utilize other control methods). Any irrigated pasture land should not create areas of stagnant water that remain in excess of 72 hours.

Payment of Fees

23. This land use permit and development plan application was subject to an initial application deposit of \$5,500, which was paid with the application submittal, plus time and material costs if the application review expenses exceed the initial deposit. **Any additional costs due must be paid prior to issuance of a building permit, within 60 days of the permit's effective date, or prior to use of the permit, whichever occurs first.** The fees include costs through permit issuance and final file preparation. Pursuant to Contra Costa County Board of Supervisors Resolution Number 2019/553, where a fee payment is over 60 days past due from the date of approval, the application shall be charged interest at a rate of ten percent (10%). The applicant may obtain current costs by contacting the project planner. If you owe additional fees, a bill will be sent to you shortly after permit issuance.

Applicant shall comply with the requirements of Title 8, Title 9 and Title 10 of the Ordinance Code. Any exceptions must be stipulated in these Conditions of Approval. Conditions of Approval are based on the site plan submitted to the Department of Conservation and Development on October 8, 2021.

COMPLY WITH THE FOLLOWING CONDITIONS OF APPROVAL PRIOR TO INITIATION OF THE USE PROPOSED UNDER THIS PERMIT.

General Requirements:

24. Improvement plans prepared by a registered civil engineer shall be submitted, if necessary, to the Public Works Department, Engineering Services Division, along with review and inspection fees, and security for all improvements required by the Ordinance Code for the conditions of approval of this land use permit. Any necessary traffic signing and striping shall be included in the improvement plans for review by the Transportation Engineering Division of Public Works.

Access to Adjoining Property:

Proof of Access

25. The applicant shall furnish proof to the Public Works Department of the acquisition of all necessary rights of way, rights of entry, permits and/or easements for the construction of off-site, temporary or permanent, public and private road and drainage improvements.

Site Access

26. The applicant shall only be permitted access at the locations shown on the approved site/development plan.

Street Lights:

27. The property owner(s) shall annex to the Community Facilities District (CFD) 2010-1 formed for Countywide Street Light Financing. Annexation into a street light service area does not include the transfer of ownership and maintenance of street lighting on private roads.

Drainage Improvements:

Collect and Convey

28. The applicant shall collect and convey all stormwater entering and/or originating on this property, without diversion and within an adequate storm drainage facility, to a natural watercourse having definable bed and banks, or to an existing adequate public storm drainage system which conveys the stormwater to a natural watercourse, in accordance with Division 914 of the Ordinance Code. Applicant shall verify the adequacy at any downstream drainage facility accepting stormwater from this project prior to discharging runoff. If the downstream system(s) is inadequate to handle the existing and project condition for the required design storm event, applicant shall construct improvements to make the system adequate. Applicant shall obtain access rights to make any necessary improvements to off-site facilities.

Exception (Subject Advisory Agency findings and approval)

The applicant shall be permitted an exception from the collect and convey requirements of the County Ordinance Code due to the large size of the parcel, provided that there are no known drainage problems on-site currently, the existing drainage pattern is maintained and additional concentrated stormwater runoff is not discharged onto adjacent properties.

National Pollutant Discharge Elimination System (NPDES):

29. The applicant shall be required to comply with all rules, regulations and procedures of the National Pollutant Discharge Elimination System (NPDES) for municipal, construction and industrial activities as promulgated by the California State Water Resources Control Board, or any of its Regional Water Quality Control Boards Central Valley - Region V.

Compliance shall include developing long-term best management practices (BMPs) for the reduction or elimination of stormwater pollutants. The project design shall incorporate wherever feasible, the following long-term BMPs in accordance with the Contra Costa Clean Water Program for the site's stormwater drainage:

- Minimize the amount of directly connected impervious surface area.
- Install approved full trash capture devices on all catch basins (excluding catch basins within bioretention area) as reviewed and approved by the Public Works Department. Trash capture devices shall meet the requirements of the County's NPDES permit.
- Place advisory warnings on all catch basins and storm drains using current storm drain markers.
- Offer pavers for household driveways and/or walkways as an option to buyers.

- Construct concrete driveway weakened plane joints at angles to assist in directing run-off to landscaped/pervious areas prior to entering the street curb and gutter.
- Other alternatives comparable to the above as approved by the Public Works Department.

Stormwater Management and Discharge Control Ordinance:

30. Prior to initiation of use, the applicant shall submit a Stormwater Pollution Prevention Plan (SWPPP) for review and approval of the Public Works Department. The SWPPP shall document Best Management Practices (BMPs) that will be incorporated into the project to minimize the discharge of pollutants from the project. The SWPPP shall include BMPs related to manure management, horse washing, and other activities that have the potential to result in pollutant discharges related to the horse stable and boarding facility. Any permanent structural BMPs must be constructed and inspected prior to final inspection for building permits.

ADVISORY NOTES

ADVISORY NOTES ARE NOT CONDITIONS OF APPROVAL; THEY ARE PROVIDED TO ALERT THE APPLICANT TO ADDITIONAL ORDINANCES, STATUTES, AND LEGAL REQUIREMENTS OF THE COUNTY AND OTHER PUBLIC AGENCIES THAT MAY BE APPLICABLE TO THIS PROJECT.

A. NOTICE OF OPPORTUNITY TO PROTEST FEES, ASSESSMENTS, DEDICATIONS, RESERVATIONS, OR OTHER EXACTIONS PERTAINING TO THE APPROVAL OF THIS PERMIT.

Pursuant to California Government Code Section 66000, et seq., the applicant has the opportunity to protest fees, dedications, reservations, or exactions required as part of this project approval. To be valid, a protest must be in writing pursuant to Government Code Section 66020 and must be delivered to the Community Development Division within a 90-day period that begins on the date that this project is approved. If the 90th day falls on a day that the Community Development Division is closed, then the protest must be submitted by the end of the next business day.

B. Applicant shall comply with the requirements of the Bridge/Thoroughfare Fee Ordinance for the East Contra Costa Regional Fee & Finance Authority/ Regional Transportation Development Impact Mitigation (ECCRFFA/RTDIM) and East County Regional Areas of Benefit as adopted by the Board of Supervisors prior to initiation of the use.

- C. Further development of the parcel may need to comply with the latest Stormwater Management and Discharge Control Ordinance (§1014) and Municipal Separate Storm Sewer System (MS4) National Pollutant Discharge Elimination System (NPDES) Permit. This compliance may require a Stormwater Control Plan and an Operations and Maintenance Plan prepared in accordance with the latest edition of the Stormwater C.3 Guidebook. Compliance may also require annexation of the subject property into the Community Facilities District 2007-1 (Stormwater Management Facilities) and entering into a standard Stormwater Management Facilities Operation and Maintenance Agreement with Contra Costa County.

- D. Prior to applying for a building or grading permit, the applicant may wish to contact the following agencies to determine if additional requirements and/or additional permits are required as part of the proposed project:
 - County Building Inspection Division
 - County Department of Public Works
 - Contra Costa Environmental Health Division
 - East Contra Costa Fire Protection Division

- E. It is unlawful to engage in business in the unincorporated area of the County without first procuring a business license from the Tax Collector following DCD approval of this application.